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EXAMINER
PHAM, KHANH B

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 July 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed July 30, 2007 has been entered. Claims 1-2, 4, 9-10, 12,

17, 22 have been amended. Claims 1-26 are pending in this Office Action.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   **Claims 1-5, 9-13** are rejected under 35 U.S.C. 102(b) as being anticipated by

Lurie et al. (US 2002/0116698 A1), hereinafter "Lurie".

As per claim 1, Lurie teaches a method for deploying a device database to a

device [0008] comprising:

- "providing an interface that enables a user to store a device database in a device

    project" at [0051]-[0052], [0090]-[0091];

- "deploying the device project to the device in a software development

    environment" at [0054]-[0055], [0092];

- "installing the device database on the device for testing of the device on which

    the device database is being installed" at [0051], [0054];

As per claim 2, Lurie teaches the method of claim 1 discussed above. Lurie further teaches: "providing an interface that enables the user to store the device database in a main device project" at [0061], [0092].

As per claim 3, Lurie further teaches: "providing an interface that enables the user to debug a test version of the device database on the device" at [0070].

As per claim 4, Lurie further teaches: "providing an interface that enables the user to store the device database in a device setup project" at [0095].

As per claim 5, Lurie teaches the method of claim 4 discussed above. Lurie also teaches: "deploying the device project to the device comprises distributing a finished version of the device database to the device" at [0061].

Claims 9-13 recite computer readable medium for performing method similar to claims 1-8 discussed above and are therefore rejected by the same reasons.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 6-8, 14-26** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lurie as applied to claims 1-5 and 9-13 above, and in view of Crudele et al.

(6,973,647 B2), hereinafter "Lurie" and "Crudele".

As per claim 6, Lurie teach the method of claim 1 as discussed above. Lurie

does not explicitly teach "providing an interface that enables the user to select an

always overwrite installation property". However, Crudele teaches a similar method for

software package deployment wherein each component of the package is associated

with an "providing an interface that enables the user to select an always overwrite

installation property" at Figs. 3-4. Thus, it would have been obvious to one of ordinary

skill in the art at the time of the invention was made to combine Crudele with Lurie's

teaching in order to "reduce the installation time and increase the dependability of

installation of software package" as taught by Crudele at Col. 2 lines 6-8.

As per claim 7, Lurie and Crudele teaches the method of claim 1 discussed

above. Lurie does not explicitly teach "providing an interface that enables the user to

select an overwrite if different installation property". However, Crudele teaches a similar

method for software package deployment wherein each component of the package is

associated with an "providing an interface that enables the user to select an overwrite if

different installation property" at Figs. 3-4. Thus, it would have been obvious to one of

ordinary skill in the art at the time of the invention was made to combine Crudele with

Lurie's teaching in order to "reduce the installation time and increase the dependability

of installation of software package" as taught by Crudele at Col. 2 lines 6-8.

As per claim 8, Lurie and Crudele teach the method of claim 1 discussed above.

Lurie does not explicitly teach "providing an interface that enables the user to select a

never overwrite installation property". **Claims 14-16** recite computer readable medium

for performing method similar to claims 6-8 discussed above and are therefore rejected

by the same reasons. However, Crudele teaches a similar method for software package

deployment wherein each component of the package is associated with an "providing

an interface that enables the user to select a never overwrite installation property" at

Figs. 3-4. Thus, it would have been obvious to one of ordinary skill in the art at the time

of the invention was made to combine Crudele with Lurie's teaching in order to "reduce

the installation time and increase the dependability of installation of software package"

as taught by Crudele at Col. 2 lines 6-8.

As per claim 17, Lurie teaches a method for deploying a device database to a

device comprising:

- "providing an interface that enables a user to select an installation property for

  installing the device database on the device" at [0095]

- "deploying a device project in which the device database is stored to the device in a software development environment" at [0091]-[0092];

- "installing the device database on the device for testing of the device on which the device database is being installed, the device database being installed according to the selected installation property" at [0069]-[0070].

Lurie teaches at [0061] that "each deployment is considered an instantiation of a particular package version" but does not explicitly teaches "selected installation property being one of an always overwrite property, an overwrite if different property, and a never overwrite property" as claimed. However, Crudele teaches a similar method for software package deployment wherein each component of the package is associated with an "selected installation property being one of an always overwrite property, an overwrite if different property, and a never overwrite property" at Figs. 3-4, 9. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Crudele with Lurie's teaching in order to "reduce the installation time and increase the dependability of installation of software package" as taught by Crudele at Col. 2 lines 6-8.

As per claim 18, Lurie and Crudele teach the method of claim 17 discussed above. Lurie also teaches: "deploying the device database to the device as part of a main device project" at [0061].

As per claim 19, Lurie and Crudele teach the method of claim 18 discussed above. Lurie also teaches: "providing an interface that enables a user to debug a test version of the device database on the device" at [0070].

As per claim 20, Lurie and Crudele teach the method of claim 17 discussed above. Lurie also teaches: "deploying the device database to the device as part of a device setup project" at [0092]

As per claim 21, Lurie and Crudele teach the method of claim 20 discussed above. Lurie also teaches: "deploying the device database to the device comprises distributing a finished version of the device database to the device" at [0061].

Claims 22-26 recite computer readable medium for performing method similar to claims 17-21 discussed above and are therefore rejected by the same reasons.

Response to Arguments

6. Applicant's arguments filed July 30, 2007 have been fully considered but they are not persuasive. The examiner respectfully traverses applicant's arguments.

Applicant argued that Lurie does not teach or suggest that a device database may be stored in a device project and deployed to a device as part of the device project.

On the contrary, Lurie teaches at [0092] the data model (i.e., device database) is stored

as a component of the deployed package (i.e., "device project") as follows:

> [0092] Once completed, a mobile data model may be made
> available to an administrator, which may be an individual, a
> collection of individuals, a software engine, or collection of
> code. In operation, the administrator may: **(1) use the model to
> create a component, (2) add that component to a package, (3) add
> that package to an application, and (4) deploy that application
> to a particular user or many users**. When a mobile user
> synchronizes and colonizes a hand-held device, at least a
> portion of the mobile data model may be instantiated on the
> device.

In light of the foregoing arguments, the 35 U.S.C 102 and 103 rejections are

hereby sustained.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khanh B. Pham
Primary Examiner
Art Unit 2166

October 13, 2007